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Patent

333768-100001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Domenico ORZI

Serial No.: 09/535,827

Confirmation No.: 2029

Filed: March 24, 2000

For: OPTICAL FILTER ARRANGEMENT

Group Art Unit: 2872

Examiner: Chang, Audrey Y.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUMMARY OF EXAMINER INTERVIEW

Dear Sir:

Initially, the undersigned would like to express his appreciation to SPE Drew Dunn and Examiner Audrey Chang for the telephonic interviews they individually conducted with the undersigned on June 14 and June 15, 2004, respectively.

The undersigned contacted SPE Dunn on June 14, 2004, to discuss the Office Action mailed out April 16, 2004, in the above-identified case. In particular, the April 16, 2004 Office Action stated that the reply filed on January 13, 2004, was not fully responsive to the prior Office Action because it did not include a complete claim listing, although new claim 27 was added to the

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

June 15, 2004

Date of Deposit

LAI-2114078v1

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application by way of the Amendment filed January 13, 2004. A one-month term was set for Applicant to provide a complete claim listing in compliance with the new rules.

As discussed with SPE Drew on June 14, 2004, the present application is a reissue application. Moreover, because the present application is a reissue application, it is not subject to the requirements of 37 C.F.R. § 1.121(c) with respect to the manner in which claims are amended in an application. Indeed, the provisions of 37 C.F.R. § 1.121(a) specifically exclude the application of Rule 121 to reissue applications. By contrast, amendments to reissue applications are made in accordance with 37 C.F.R. § 1.173. Rule 173 does not require a complete claim listing as does Rule 121.

Upon discussing the matter, SPE Dunn agreed with the undersigned that the manner in which new claim 27 was added to the present application was proper and that the rules relating to reissue applications do not require a complete claim listing to add a new claim to the application. In light of this, SPE Dunn suggested a telephonic interview be held with Examiner Chang, following which Examiner Chang would withdraw the April 16, 2004 Office Action and examine the present application on its merits.

Pursuant to SPE Dunn's suggestion, the undersigned held a telephonic interview with Examiner Chang on June 15, 2004. During the interview, the undersigned explained his discussion with SPE Dunn and SPE Dunn's agreement that the April 16, 2004 Office Action should be withdrawn as being improper. Following the interview, it was agreed that the Examiner would withdraw the April 16, 2004 Office Action, thereby vacating all due dates of the Applicant, because the reply filed January 13, 2004, was in compliance with the rules. Examiner Chang also agreed that she would then examine the application on the merits based on Applicant's reply filed January 13, 2004.

Applicant does not believe that any fees are due with the present paper. However, if Applicant is in error, kindly charge any fees that may be required for consideration of this paper to counsel's Deposit Account No. 50-2468.

Respectfully submitted,

JONES DAY

By:


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Dated: June 15, 2004

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